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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,337	05/25/2001	Tatsunori Kanai	209072US2RD	2335
22850	7590	12/28/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MCCLELLAN, JAMES S	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/864,337	<b>Applicant(s)</b> KANAI, TATSUNORI <span style="float: right;">20</span>	
	<b>Examiner</b> James S McClellan	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Amendment*

1. Applicant's submittal of an amendment was entered on October 14, 2004, wherein:
  - claims 1-9 and 20 are pending;
  - claims 10-19 have been canceled; and
  - claims 1 and 20 have been amended.

It is noted that claims 10-19 have not formally been canceled. On page 10, second paragraph (10/14/04), Applicant states that claims 10-19 are canceled, but the amendment indicates that claims 10-19 remain pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,282,522 (hereinafter "Davis").

Regarding **claims 1-9**, Davis discloses a transaction management device connected through a network (see Figure 4, Internet 202) with a plurality of shop computers (merchants 208) providing electronic shops on the network (202) and a plurality of client computers (204)

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used by users utilizing the electronic shops, the transaction management device comprising: a management unit configured to manage transaction information for each transaction, the transaction information including a transaction ID (see column 15, line 41), a user ID (inherent for delivery), a shop ID (see column 15, line 43), and status data (see column 17, lines 35-47); and a processing unit (206) configured to process said each transaction according to the transaction information managed by the management unit; the processing unit carries a plurality of transaction (via concentration point 68; see column 13, lines 36-43); finalizing completion of each transaction or cancel transaction (see column 16, lines 10-12); notifies the a personal information of the user related to the transaction at the time of completion of the transaction (for example, transaction ID); the client computer re-accesses the transaction management device (see column 17, lines 45-47); transmits transaction logs (see paragraph bridging columns 13-14); the processing unit transmits a notice of completion (see column 8, lines 25-28).

Regarding **claim 20**, Davis discloses a computer readable medium having computer readable program codes embodied therein for causing a computer to function as a transaction management computer as set forth for claim 1.

#### ***Response to Arguments***

4. Applicant's arguments filed December 23, 2004 have been fully considered but they are not persuasive.

On page 12, first paragraph, Applicant argues that Davis does not have a management unit configured to manage transaction information, wherein the transaction information contains the state information to achieve a global shopping cart function. It appears that Applicant is

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arguing that the Davis' management unit is only configured to serve a single electronic shop. The Examiner respectfully disagrees. Applicant's argument relies on Davis' figures which only show a single merchant server (208; see Figure 4). Using Applicant's logic, Davis' system only discloses a single client, because Figure 4 only shows one client terminal (204). It is the Examiner's position that Davis is a global system that allows a plurality of customers and merchants to interact. Figure 4 merely discloses a simple architecture that would expanded to fit all desired customers and merchants. If Davis's system only intended for a single merchant to take part, then a merchant ID number would not be necessary. Since Davis requires a merchant ID number, it is inherent that multiple merchants are within the scope of system.

On page 12, second paragraph, Applicant argues that Davis does not disclose transaction information containing a first state as recited in claim 1. The Examiner respectfully disagrees. Davis indicates wait customer periods as required by the first and second states (see column 14, lines 44-53). In response to the step of the user selecting items to purchase (step 508), Davis's system proceeds with step 510 which the user is directed to actuate a purchase completion button. Step 510 is analogous to Applicant's first state.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of

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the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

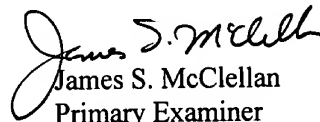
Any response to this action should be mailed to:

Commissioner of Patent and Trademarks  
Washington D.C. 20231

or faxed to:

(703) 872/9306 (Official communications) or  
(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, 7<sup>th</sup> floor receptionist.

  
James S. McClellan  
Primary Examiner  
A.U. 3627

jsm  
December 23, 2004